

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

JAMES F. OSTERBUR,)	
)	
Plaintiff,)	
v.)	Case No. 10-CV-2257
)	
UNITED STATES OF AMERICA, et al.,)	
)	
Defendants.)	

ORDER

On March 15, 2011, Magistrate Judge David G. Bernthal filed a Report and Recommendation (#27) in this case. Judge Bernthal recommended that the Motion to Dismiss (#6) be granted and the pro se Complaint (#1) filed by Plaintiff, James F. Osterbur, be dismissed as to all Defendants. On March 18, 2011, Plaintiff filed a pro se Notice of Appeal (#28). On March 28, 2011, Plaintiff filed a pro se Objection (#32) to the Report and Recommendation. On April 11, 2011, Defendants filed a Response to Plaintiff's Objection (#36). Plaintiff filed a pro se Reply (#37) on April 15, 2011. On June 6, 2006, this court received the mandate from the Seventh Circuit Court of Appeals which stated that Plaintiff's pro se appeal was dismissed for lack of jurisdiction. The court stated that it lacked jurisdiction to review Judge Bernthal's report and recommendation.

The case is now back before this court. This court has carefully reviewed Judge Bernthal's Report and Recommendation (#27), Plaintiff's pro se Objection (#32), Defendants' Response (#36), and Plaintiff's pro se Reply (#37). This court notes that this review has been complicated by Plaintiff's rambling and mostly unintelligible filings with this court. Following this court's careful and thorough de novo review, this court agrees with and accepts Judge Bernthal's Report and Recommendation. This court completely agrees that Plaintiff's pro se Complaint demonstrates no coherent claim or request for relief and that the Complaint must be dismissed for failure to state a

claim for which relief can be granted.

IT IS THEREFORE ORDERED THAT:

(1) The Report and Recommendation (#27) is accepted by this court.

(2) The Motion to Dismiss (#6) is GRANTED and Plaintiff's Complaint (#1) is dismissed as to all Defendants.

(3) This case is terminated. Accordingly, any remaining pending motions are MOOT.

ENTERED this 7th day of June, 2011.

s/ Michael P. McCuskey
MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE